

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>)	
State Engineer)	
)	
Plaintiff,)	69cv07941-BB
)	
vs.)	RIO CHAMA STREAM SYSTEM
)	Section 1: Chama Mainstream
ROMAN ARAGON, <i>et al.</i> ,)	
)	RANCHITOS DITCH
Defendants.)	
)	Subfile No. 4.5
)	

SUBFILE ORDER

THIS MATTER is before the Court following service upon Defendant Juan Duran of a Notice and Order to Show Cause that proposed the determination of Defendant's water rights under Subfile 4.5 in Section 1 of the Rio Chama Stream System. *See* Certificate of Service of Notice and Order to Show Cause filed October 18, 2006 (Doc. No. 8417); *see also* Order Granting Motion for Approval of Form of Order to Show Cause filed October 13, 2006 (Doc. No. 8410); Order Granting Motion to Amend Notice and Order to Show Cause filed January 16, 2007 (Doc. No. 8533).

The Court now Finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendant and the subject matter of this suit.
2. The Defendant has filed no objection to the proposed determination of the Defendant's water rights under Subfile 4.5 as described in the amended Notice and Order to Show Cause.
3. There is no just reason for delay for the entry of a final judgement as to the elements the Defendant's water rights adjudicated by this Order.
4. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Chama Mainstream, Section 1, for irrigation purposes under Subfile 4.5 is set forth below:

JUAN DURAN

Subfile No. 4.5

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) **NONE**

Priority: 1735

Source of Water: La Cienega de Don Simon, a tributary of the Rio Chama

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: RANCHITOS DITCH

Location: X= 473,869 feet Y= 1,890,256 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1927

Location and Amount of Irrigated Acreage:

Within the Town of Abiquiu Grant	<u>0.27</u>	acres
Total	0.27	acres

As shown on the attached Hydrographic Survey Map for Subfile No. 4.5

Amount of Water: Not to exceed three (3) acre-feet per acre per annum delivered at the farm headgate.

IT IS THEREFORE ORDERED that the rights of the Defendant to divert and use the waters of the Rio Chama Stream System, Section 1, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 1, except in strict accordance with the rights set forth herein or in other orders of the Court.

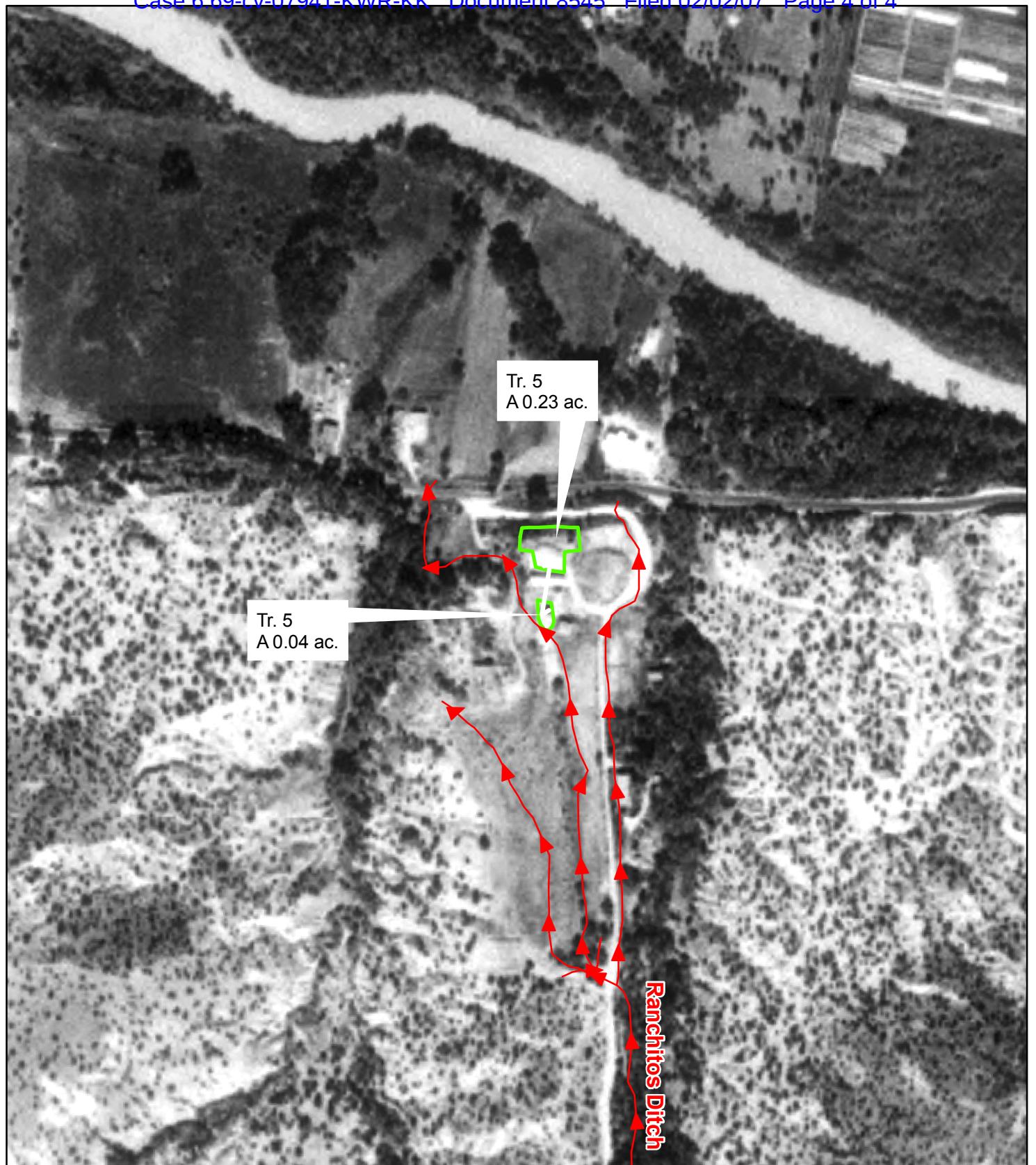
The Court enters this Subfile Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of a final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for Approval:

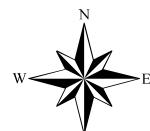
Vickie L. Gabin
VICKIE L. GABIN
SPECIAL MASTER



LEGEND

- [Green Box] Irrigated Tract Boundary
- [Yellow Box] No Right Tract Boundary
- [Blue Box] Seeped Area
- [Red Arrow] Operable Ditch
- [Red Dashed Line] Inoperable Ditch
- [Blue Line] Stock Ponds / Reservoir

- [Blue Circle] Point of Diversion
- [Orange Circle] Well
- [Blue Star] Spring
- [F] Fallow
- [NR] No Right



1 inch = 300 feet

0 150 300 Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Section 1, Chama Mainstream

Portion of
Map Sheet 4
Tr.5
Ranchitos Ditch
AMENDED
January 10, 2006

